

**IN THE UNITED STATES DISTRICT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

UNIVERSITY HOSPITALS	:	
CLEVELAND MEDICAL CENTER, INC.,	:	
	:	CASE NO. 1:25-cv-00339-DAR
Plaintiff	:	
	:	JUDGE DAVID A. RUIZ
v.	:	
	:	
NICHOLAS KRUDY,	:	
	:	
Defendants.	:	

**PLAINTIFF'S MOTION FOR CLERK'S ENTRY OF
DEFAULT PURSUANT TO CIVIL RULE 55(a) AGAINST DEFENDANT**

Pursuant to Rule 55(a) of the Federal Rules of Civil Procedure, Plaintiff University Hospitals Cleveland Medical Center, Inc. (“Plaintiff”), by and through counsel, respectfully applies for the Clerk’s entry of default against Defendant Nicholas Krudy (“Defendant”). Defendant has been served, but he has failed to plead or otherwise defend Plaintiff’s [ECF No. 1]. Based on Defendant’s failure to timely move or plead, Rule 55(a) provides: “When a party against whom a judgment for affirmative relief is sought has failed to plead or otherwise defend, and that failure is shown by affidavit or otherwise, the clerk must enter the party’s default.” An entry of default pursuant to Rule 55(a) by the clerk is the first step in obtaining a default judgment against a non-answering defendant. *See Equity Trust Company v. Deanna Martin, et al.*, No. 1:22-cv-01004, 2022 WL 4281372 (N.D. Ohio Aug. 19, 2022) (Judge David A. Ruiz).

The facts set forth below are set forth in the attached Declaration of David A. Campbell. Specifically, Plaintiff filed this lawsuit on February 19, 2025. [ECF # 1]; (Declaration of David Campbell at 3) (hereinafter “Dec. Counsel at __”). The summons was issued on February 19, 2025. [ECF No. 2] (Dec. Counsel at 5). A copy of the Summons and Complaint were served upon Defendant on March 28, 2025 via process server to Defendant’s P.O Box listed for service in his

related litigation at John Koe aka Nicholas Krudy, PO Box 527, Novelty, OH 44072-0527. [ECF No. 6] (Dec. Counsel at 6). Plaintiff filed an affidavit of service with this Court on March 31, 2025. [ECF No. 6] (Dec. Counsel at 7).

Based on the date that the Summons and Complaint were served on Defendant, Defendant's answer was due on April 18, 2025. (Dec. Counsel at 8). Defendant has not filed an appearance. (Dec. Counsel at 9). In addition, Defendant has not filed an answer to the Complaint. (Dec. Counsel at 10). Defendant has not requested an extension to respond to the Complaint. (Dec. Counsel at 11). Despite attempts to communicate with Defendant about the Complaint, Defendant has refused to respond or otherwise acknowledge this Complaint. (Dec. at 12). Finally, Plaintiff sent a waiver of service to Plaintiff on February 27, 2025. (Dec. Counsel at 13). Defendant did not return an executed waiver of service. (Dec. Counsel at 14). Plaintiff incurred \$349.85 in attempting to serve Defendant. (Dec. Counsel at 15 and Exhibit 1).

WHEREFORE, Plaintiff respectfully requests that the Clerk enter the default of Defendant Nicholas Krudy pursuant to Civil Rule 55(a).

Respectfully submitted,

/s/ Donald G. Slezak
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Attorneys for Plaintiff

CERTIFICATE OF SERVICE

A copy of the foregoing was filed with the Court and electronically served on counsel on June 14, 2025. A copy was also emailed to UHCMC at john@johnkoe.org. A copy was also served on plaintiff via overnight mail at his P.O.Box No. 527, Novelty, Ohio 44072.

Respectfully submitted,

/s/ Donald G. Slezak
David A. Campbell (0066494)
Gordon Rees Scully Mansukhani, LLP

One of the attorneys for Plaintiff